SINGLE BENCH CFRS104

(1)

(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION [S] NO. 1038 /2007 [S.B.]

PETITIONER Smt. Kamla Bai widow of late Parasram, aged about 44 years, resident of village Kunwa, Tahsil Sahaspur Lohara, District Kabirdham [C.G.].

P.R. No. 1324/07 Mo. Bilaspur
Presented by Shri
dated 14-02-2007

VERSUS

RESPONDENTS :-

1] The State of Chhattisgarh, through the Secretary, Department of Mahila Avam Bal Vikas Vibhag, C.G. Raipur.

2] The Collector/Additional Collector, Kabirdham [C.G.].

3] The Chief Executive Officer, Janpad Panchayat Sahaspur Lohara, District Kabirdham [C.G.].

4] The Project Officer, Mahila Avam Bal Vikas, Sahaspur Lohara, District Kabirdham [C.G.].

5] Smt. Shyama Bai wife of not known aged about 30 years, Resident of village- Kunwa, Tahsil Sahaspur Lohara, District Kabirdham [C.G.].

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(35)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1038 of 2007

Petitioner Smt. Kamla Bai

Versus

Respondents The State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Present: Mr. M.K. Bhaduri, Advocate for the petitioner.
Ms. Sunita Jain, Panel Lawyer for the State.

ORDER

(Passed on 23rd Day of February, 2007)

The following order of the Court was passed by Satish K. Agnihotri, J.

1. Learned counsel appearing for the petitioner submits that the petitioner was duly selected as Aanganbadi Sahayika vide order dated 8-11-2006 (Annexure P-1). The respondent No. 5, who was also a candidate for selection, challenging the appointment on the ground that she is better qualified and has preferential right. This appointment should be given to her in preference to the petitioner.

2. It is admitted case of the petitioner that the petitioner is a widow lady and illiterate, the respondent No. 5 is a deserted lady and passed 5th class. The clause 5 of the Aanganbadi Worker Scheme clearly provides that the preference should be given to widow/deserted ladies, if both the candidates are widow/deserted then other should be preferred, subject to the preference that a lady should be minimum middle pass and if middle pass is not available then educated or other 5th class passed.

3. In the present case, it appears that no lady having middle school pass was available, thus the respondent No. 5, who is having 5th class pass certificate was ought to have given preference, accordingly. The Additional

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Collector, Kabirdham vide order dated 25-11-2006/27-12-2006 (Annexure P-2) cancelled the appointment of the petitioner and directed to appoint the respondent No. 5.

4. I have heard learned counsel appearing for the parties and perused the pleadings and records appended thereto. It is evident that the respondent No. 5 has better preferential right being deserted and class 5th examination passed. The petitioner is also widow, but is an illiterate. Thus, the order of the Additional Collector, Kabirdham is just and proper, and it does not warrant any interference.

5. The writ petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash